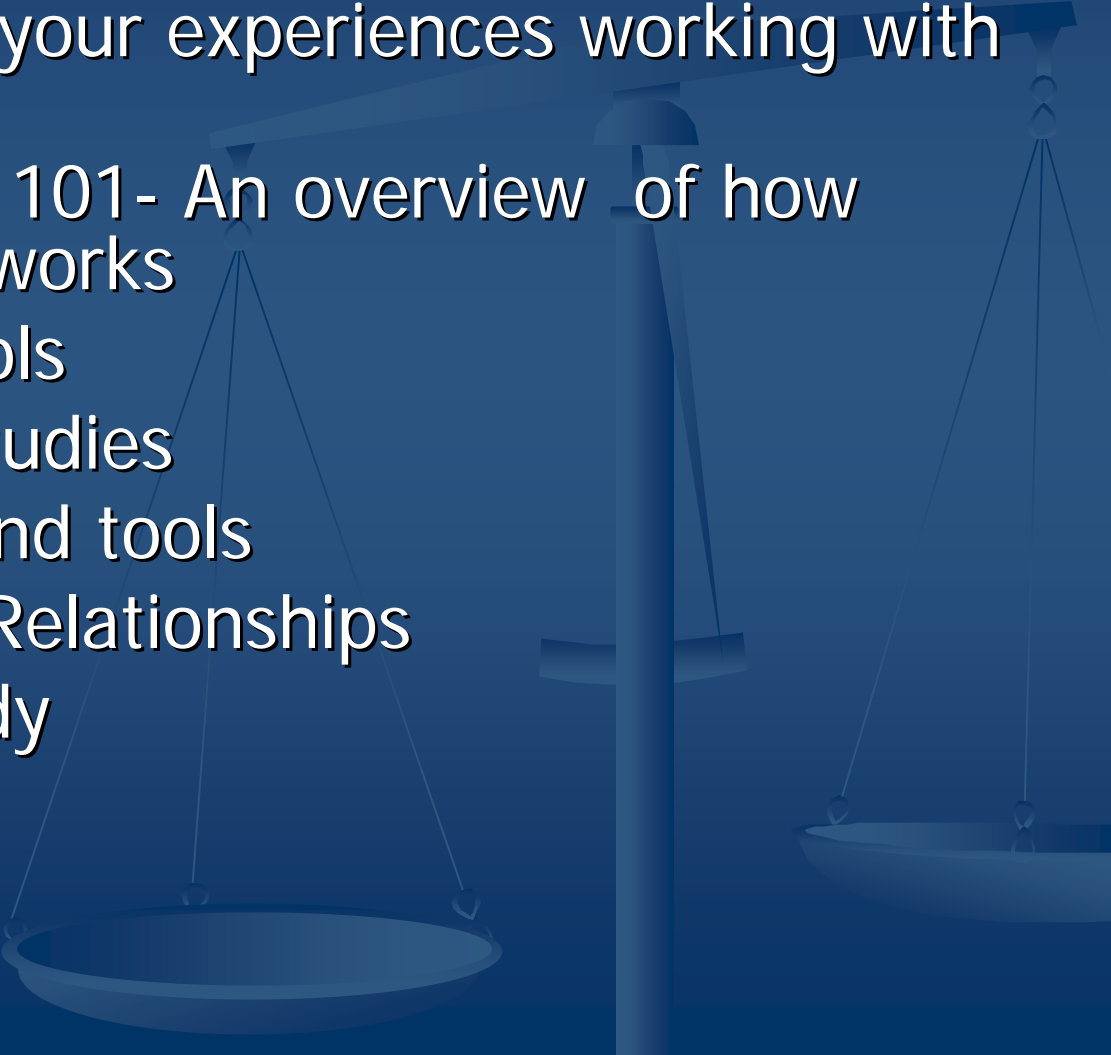




# Beyond Partnerships: Leveraging the Power of Local Government

“All politics is local”  
Tip O’Neill

# Course Outline

- Introductions
  - Discussion- Share your experiences working with local government
  - Local Government 101- An overview of how local government works
  - Institutional controls
  - Superfund Case Studies
  - Techniques, tips and tools
  - Building Personal Relationships
  - Superfund Jeopardy
- 
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# Goals and Objectives:

- Local government can be instrumental in managing a Superfund site. The goal of this workshop is to explain how local government works and how to leverage the power of local government in land use decisions with a focus on Institutional Controls.

# Overview of Local Government



# Local Public Hearing

May 23, 2008,

Public Hearing on Budget

As Seen By Members

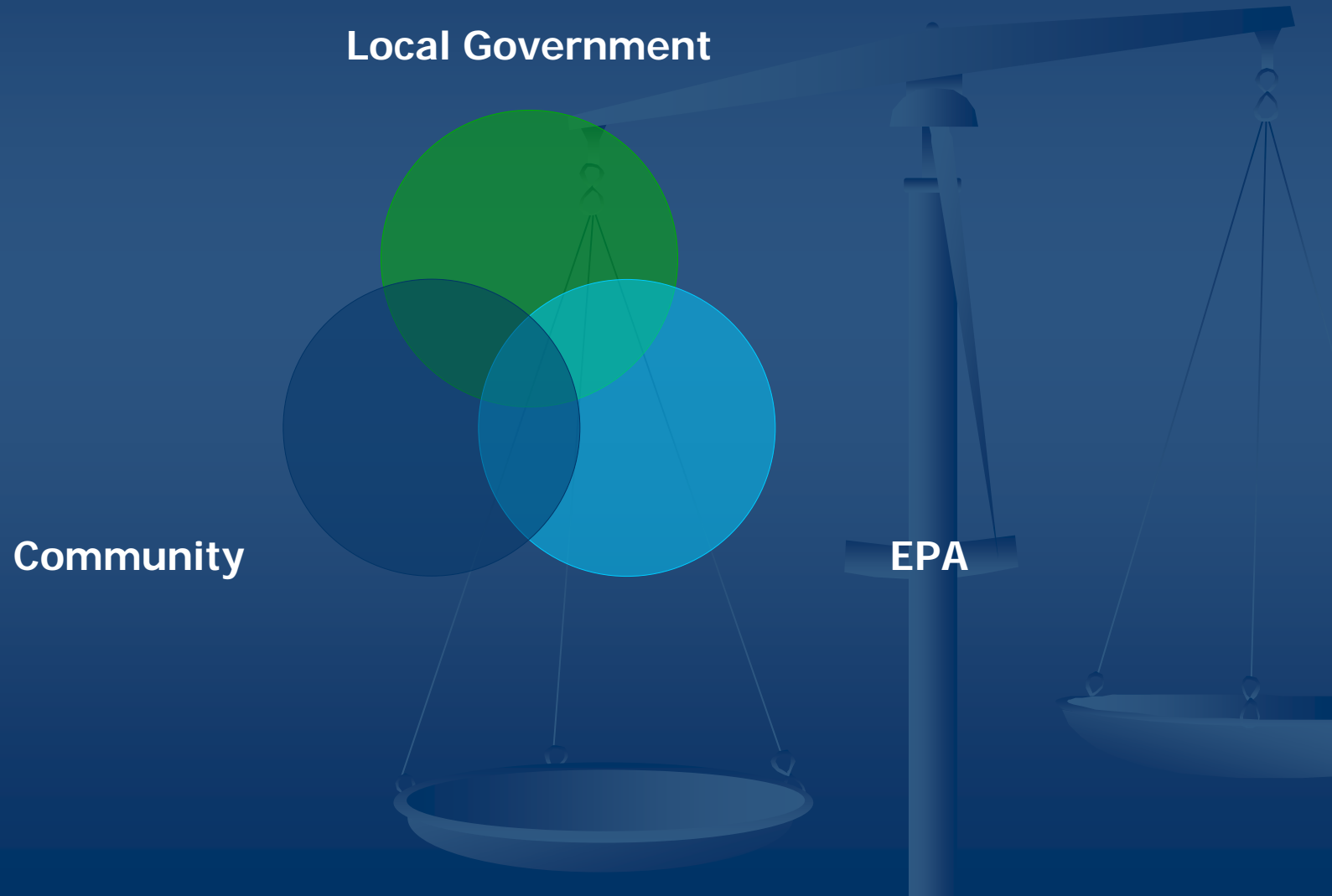
of The Public Attending

00:00:00:00

# About Local Government

- Various forms of local government
- Examples: Municipal-County-Borough
- Key thing to remember- There is some form a local authority that governs land use
- When working on a Superfund site, research the form of local government in that area
- ID Key who the key decisions makers are

# Relationship



# Anytown, USA



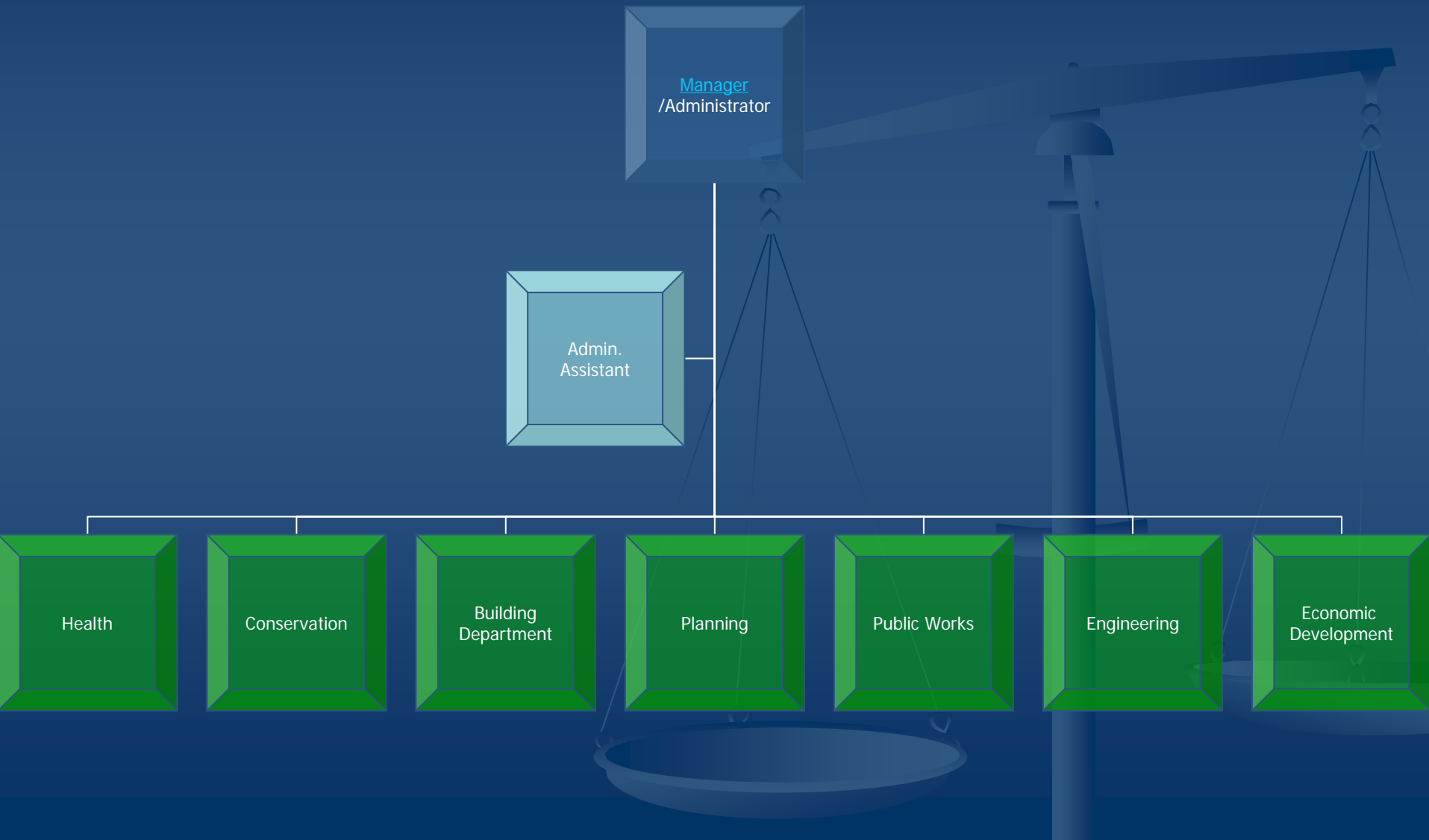
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graph TD; A[Local Government] --> B[Appointed/  
Elected Officials]; A --> C[Professional Staff  
City/Town Officials];
```

Local Government

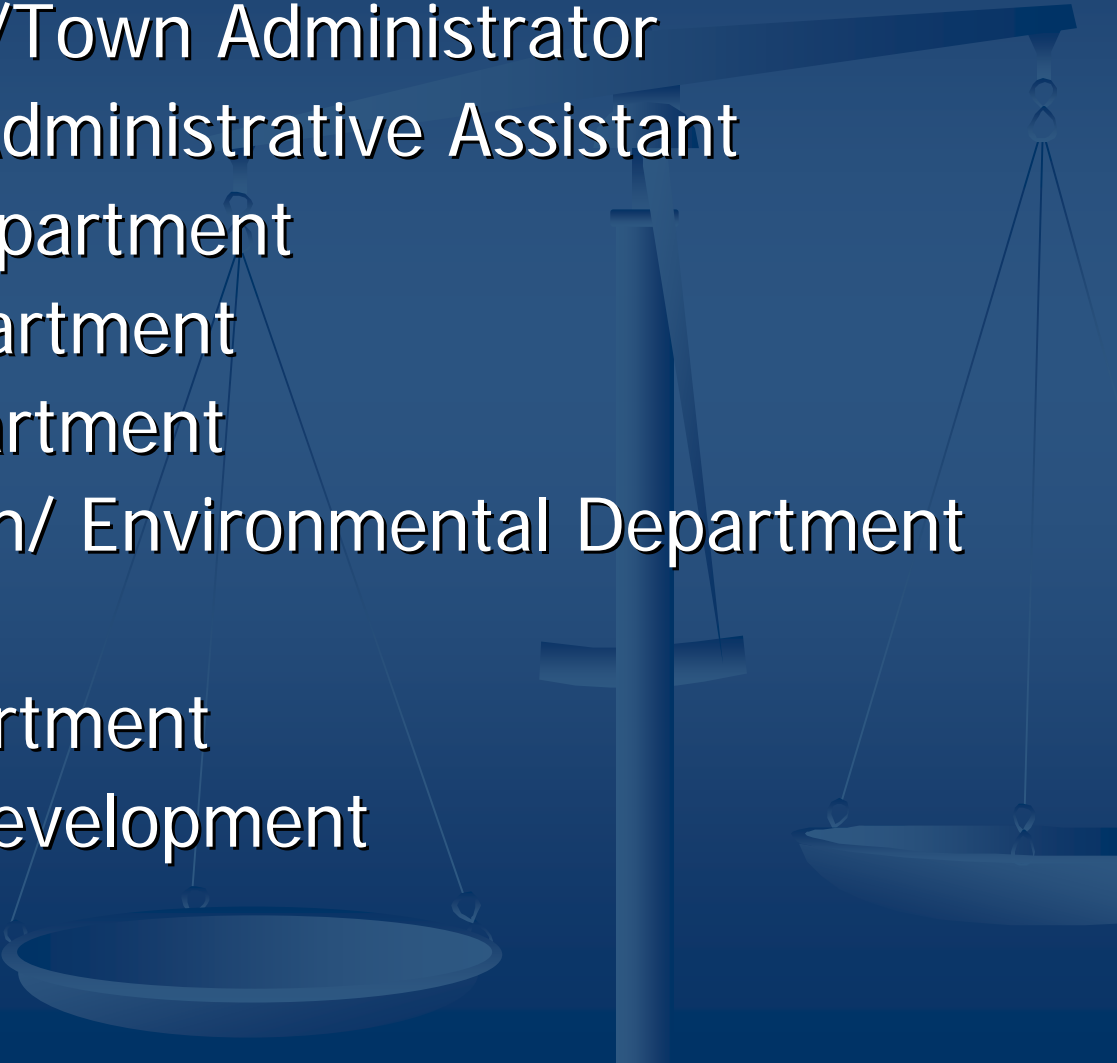
Appointed/  
Elected Officials

Professional Staff  
City/Town Officials

# Professional Staff: Who's who-



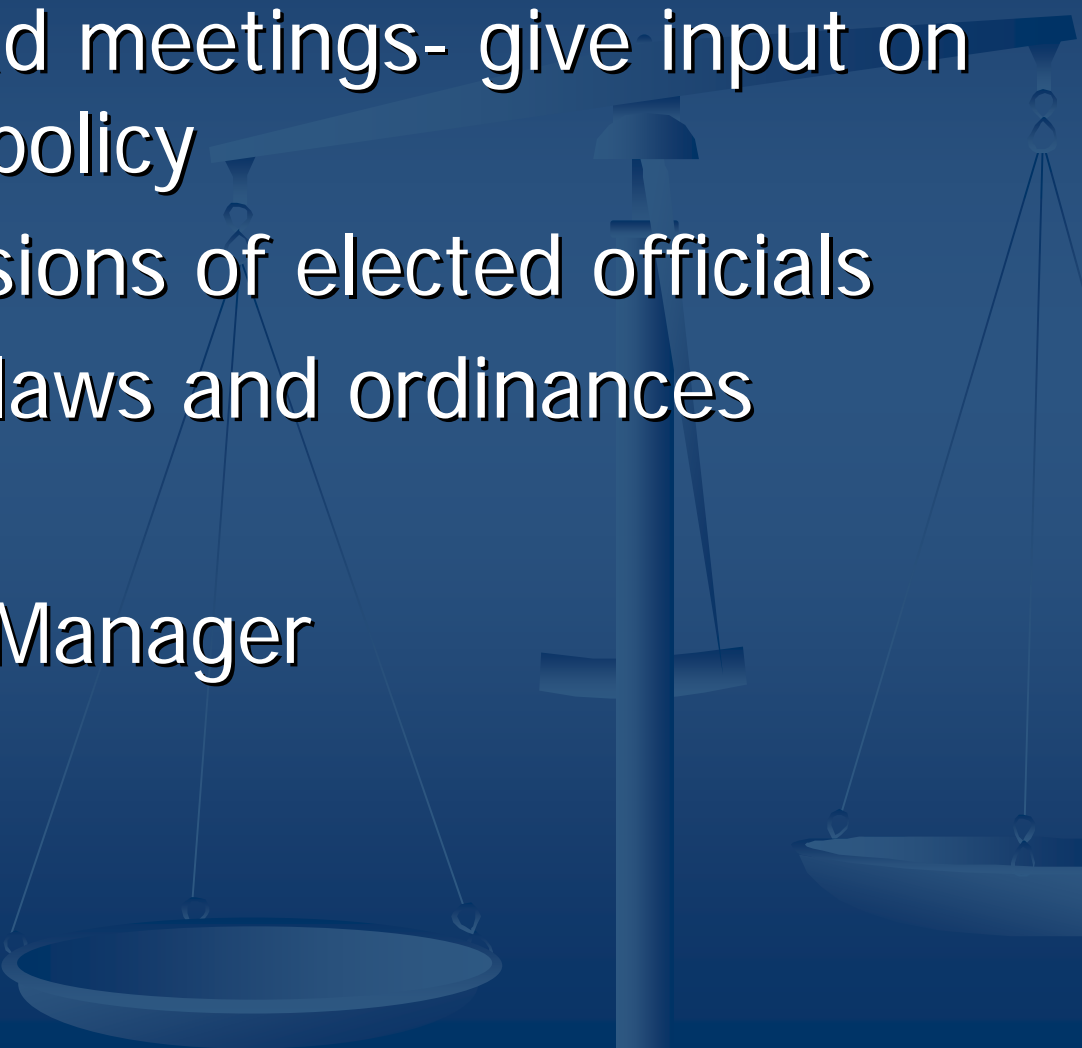
# Key local contacts

- City/County/Town Administrator
  - City/Town Administrative Assistant
  - Planning Department
  - Zoning Department
  - Health Department
  - Conservation/ Environmental Department
  - Engineering
  - Water Department
  - Economic Development
- 

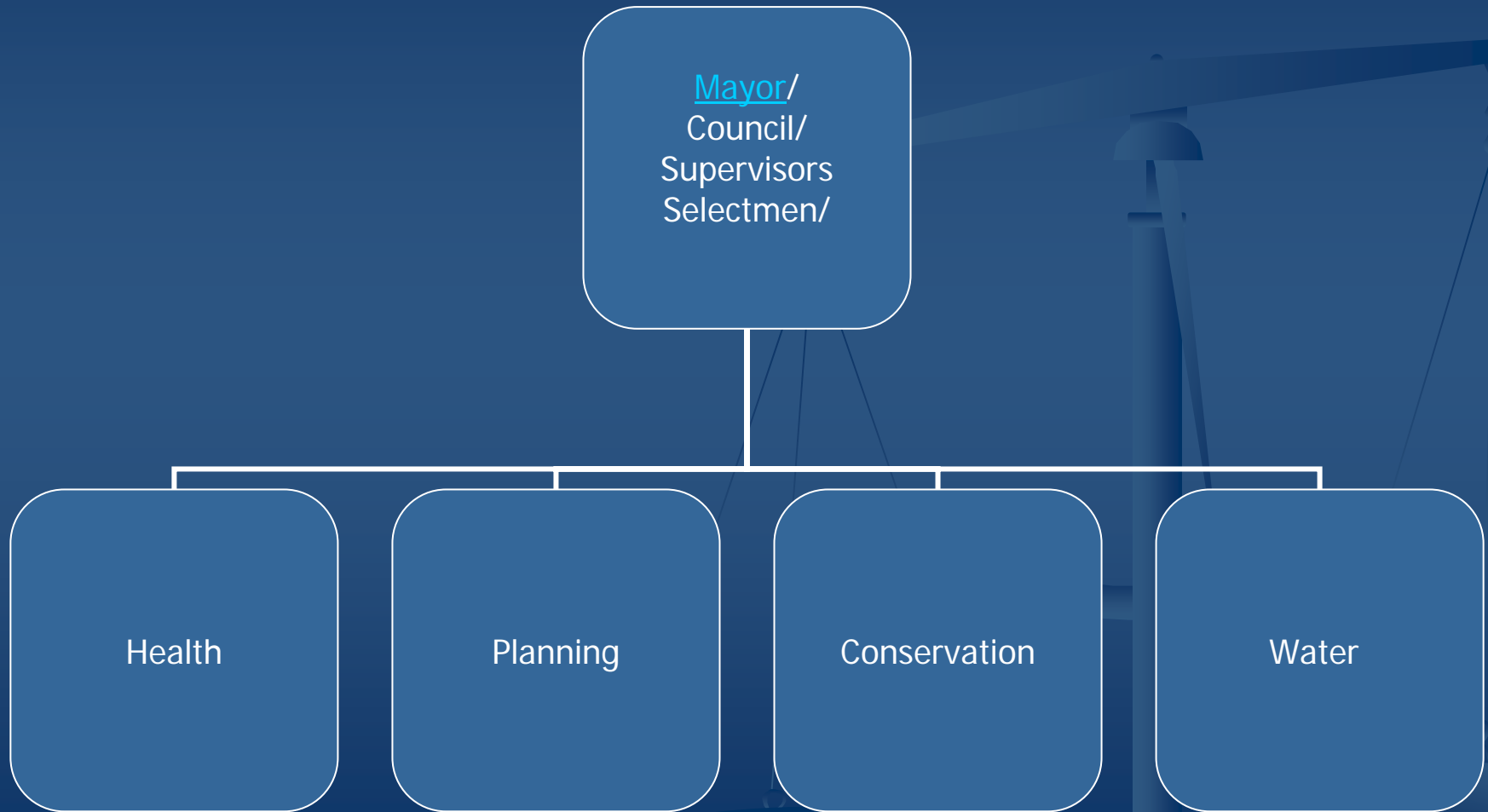
# Why work with local officials

- Not elected but frequently interface with elected officials/ Influence Policy
- Have influence over land use decisions made by local boards and town
- May have legal authority to issue permits
- Have local knowledge and understand community point of view
- Understand local politics/ potential issues
- Can serve as a local point of contact

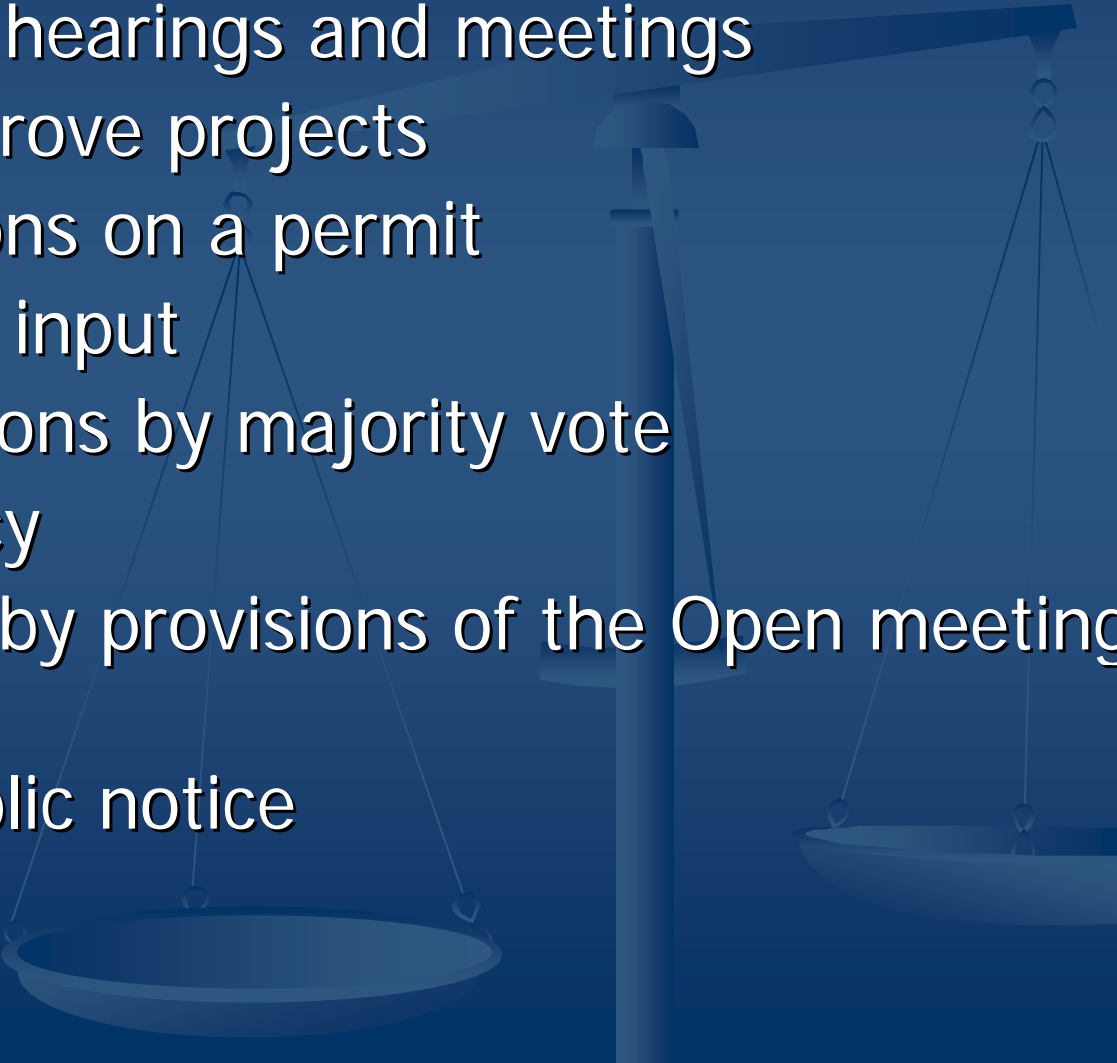
# Decision-making process

- Department head meetings- give input on and implement policy
  - Implement decisions of elected officials
  - Enforce local bylaws and ordinances
  - Issue Permits
  - Directives from Manager
- 
- A faint, stylized illustration of a balance scale is visible in the background. The scale is positioned vertically, with its beam and pans extending horizontally. The pans are empty, and the scale appears to be in a state of equilibrium. The lines of the scale are thin and light blue, blending into the overall blue background.

# Elected or Appointed Officials- who's who



# Elected officials- Responsibilities

- Hold public hearings and meetings
  - Vote to approve projects
  - Put conditions on a permit
  - Take public input
  - Make decisions by majority vote
  - Create policy
  - Must abide by provisions of the Open meeting law
  - Provide public notice
- 
- A faint, stylized illustration of a balance scale is visible in the background of the slide. The scale is positioned on the right side, with its vertical pillar and horizontal beam extending across the frame. The two pans are visible, hanging from the beam. The entire image has a dark blue background.

# Open Meeting Laws and Public Rights

All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided.... Whether the law applies to the state, county, or local level, it establishes procedures for notification of meetings, standards for keeping records of all meetings, protections for individuals who may be the subject of a closed meeting, and exclusive reasons for which a closed session may be held.

The open meeting law applies to every meeting of most governmental bodies. There are a few public bodies that are exempt, and some for which the law's application may be undetermined. The law covers nearly all governmental groups at the local and county levels. The law makes it clear that town meetings are not considered to be governmental in the sense of this statute. Town meetings have their own standards of notification and record keeping, which can be found in state law, specific representative town meeting acts, and town bylaws.

# Right to Public Notice

## Public Notice

- No board, commission, or municipality may hold a meeting without first giving the public notice.
- Meetings of the voters of a municipality require notice, usually with three public postings at least 30 days before the meeting and newspaper notice at least five days before the meeting. Each item of business to be transacted at the meeting must be written out on the warning for the meeting.
- Regular meetings of the board of selectmen or school board--meetings held on the same day each month, for instance--are warned only by a resolution of the board at its annual organizational meeting. Ask the town clerk or any member of the board when the board meets.
- Special meetings of most boards require at least 24 hours notice by posting the time, date, place and purpose of the meeting in at least three public places. Notice must also be given (not purchased) to a newspaper or radio station, and to any reporter who requests such notice in writing annually.
- When a planning commission or a zoning board holds a public hearing, the time, place and purpose must be advertised in a newspaper at least 15 days before the meeting. Notice must be posted at least once in the municipality as well. The same notice is required for the board of selectmen holding a public hearing on a proposal to adopt or amend a municipal plan or zoning bylaw, but a copy or concise summary of the proposal must accompany the ad.

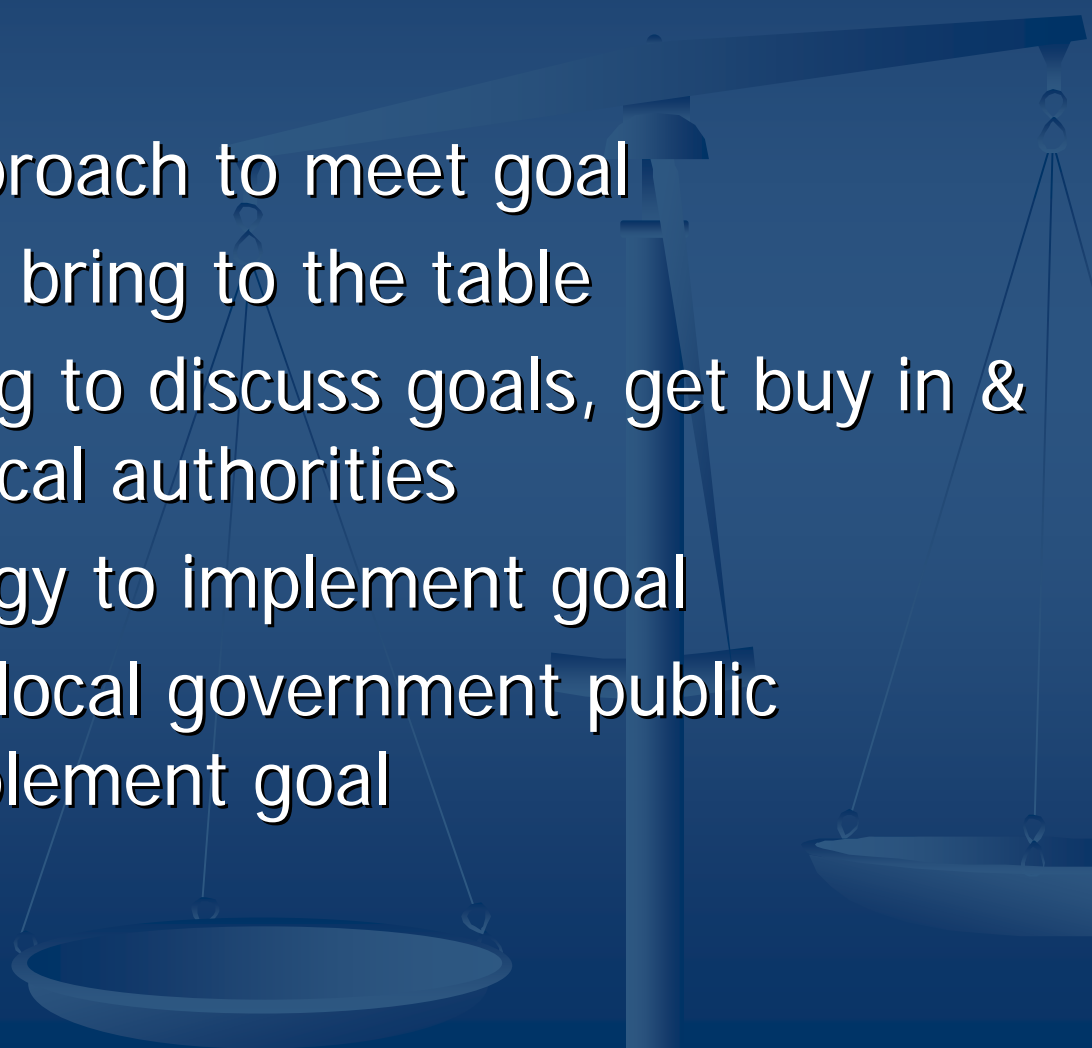
## Rights to Speak or Act at a Public Meeting

- At a meeting of the voters of the municipality, any voter may speak after being recognized by the moderator. The meeting may impose rules on the length of time you may speak and how often a voter may speak on the same issue. You may also make motions, such as an amendment germane to the article as warned.
- At a meeting of a legislative body, such as the school board or board of selectmen, a public comment period must be held during which any member of the public may address the board. At school board meetings, you also have a right to an answer in writing to any question you raise, if it relates to the business of the board at that meeting.
- If you are a party to a hearing, you have a right to personal notice, an opportunity to present your side of the case and to cross-examine the witnesses of other parties. You also have a right to appeal the decision to the courts in most instances.

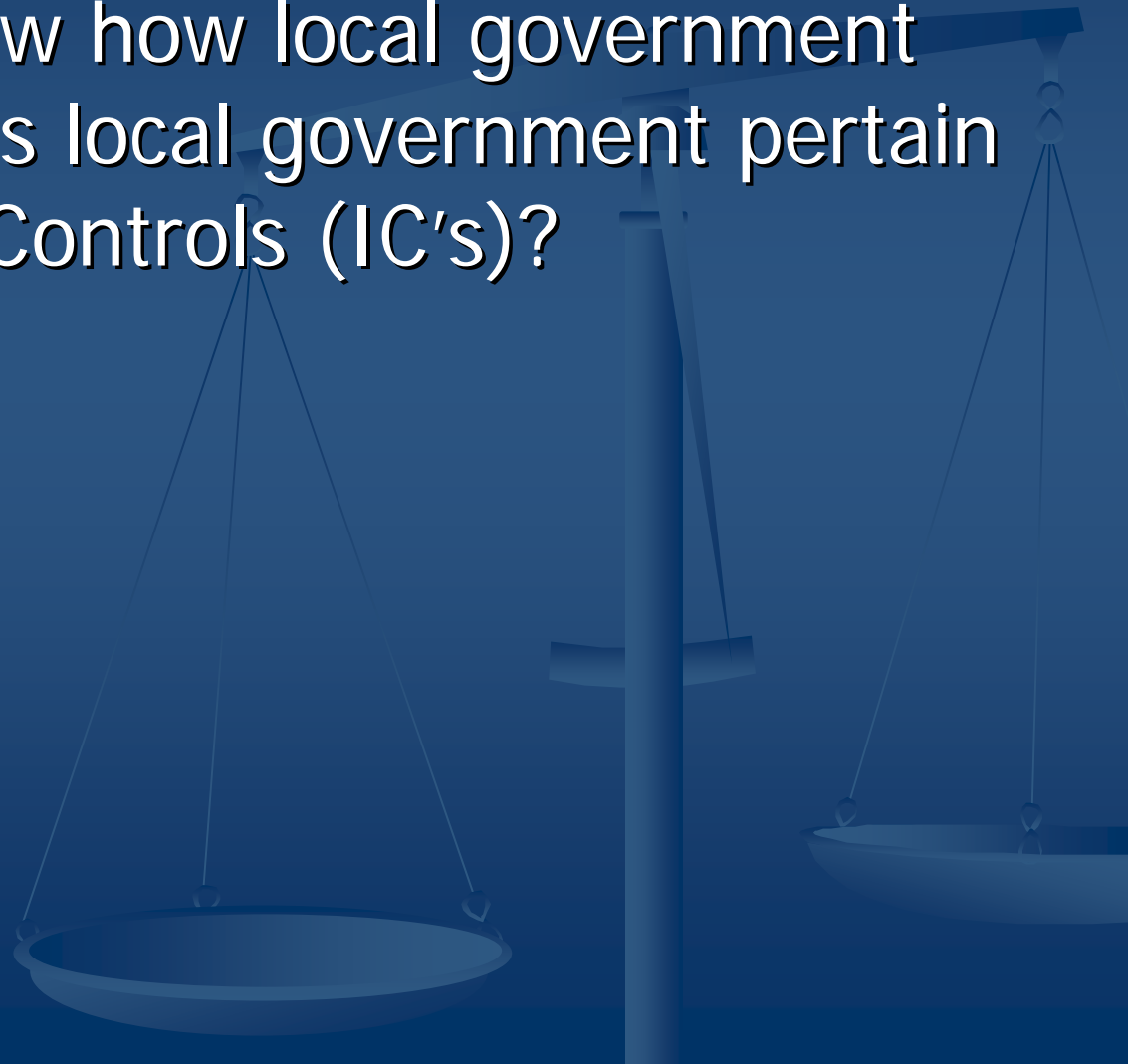
# RPM & CIC's Roles

- Work together to: identify Superfund goals and identify key people in community to talk to
- Contact/coordinate/strategize with local authorities
- Interview local officials and residents to assess concerns
- Notify Community
- Hold informational public meetings
- Hold availability sessions for residents living near a Superfund site
- Participate in local hearings and meetings

# Steps

- Meet with RPM to discuss Superfund goal (s)
  - ID best local approach to meet goal
  - ID key people to bring to the table
  - Schedule meeting to discuss goals, get buy in & enlist the help local authorities
  - Develop a strategy to implement goal
  - Understand/use local government public processes to implement goal
- 

Now that we know how local government works, how does local government pertain to Institutional Controls (IC's)?



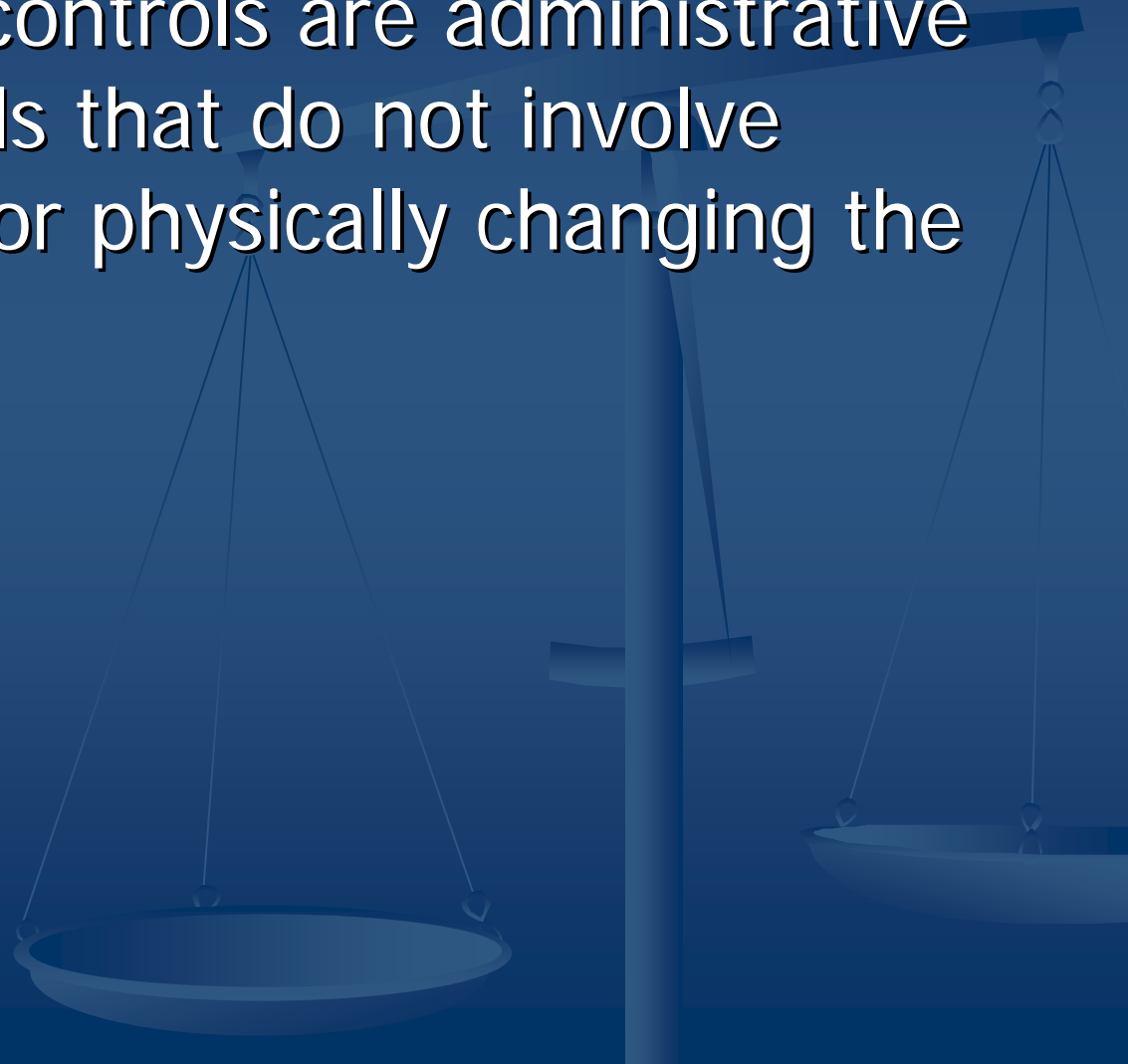
# Institutional Controls (ICs)

- Definition
- How ICs are used in Superfund
- 4 Types of IC's



# Institutional Controls

- Institutional controls are administrative and legal tools that do not involve construction or physically changing the site.



# IC's are used when

- ICs are used when contamination is first discovered, when remedies are ongoing and when residual contamination remains onsite at a level that does not allow for unrestricted use and unlimited exposure after cleanup. The National Contingency Plan (NCP) emphasizes that ICs are meant to supplement engineering controls and that ICs will rarely be the sole remedy at a site.

# Four Categories of IC's

- 1) **Government Controls**- include local laws or permits (e.g., county zoning, building permits, and Base Master Plans at military facilities);
- 2) **Proprietary Controls**- include property use restrictions based on private property law (e.g., *easements* and covenants);
- 3) **Enforcement Tools**- include documents that require individuals or companies to conduct or prohibit specific actions (e.g., environmental cleanup *consent decrees*, *unilateral orders*, or permits); and,
- 4) **Informational Devices**-include *deed notices* or public advisories that alert and educate people about a site.

So, how do you leverage the Power of Local Government to implement IC's?

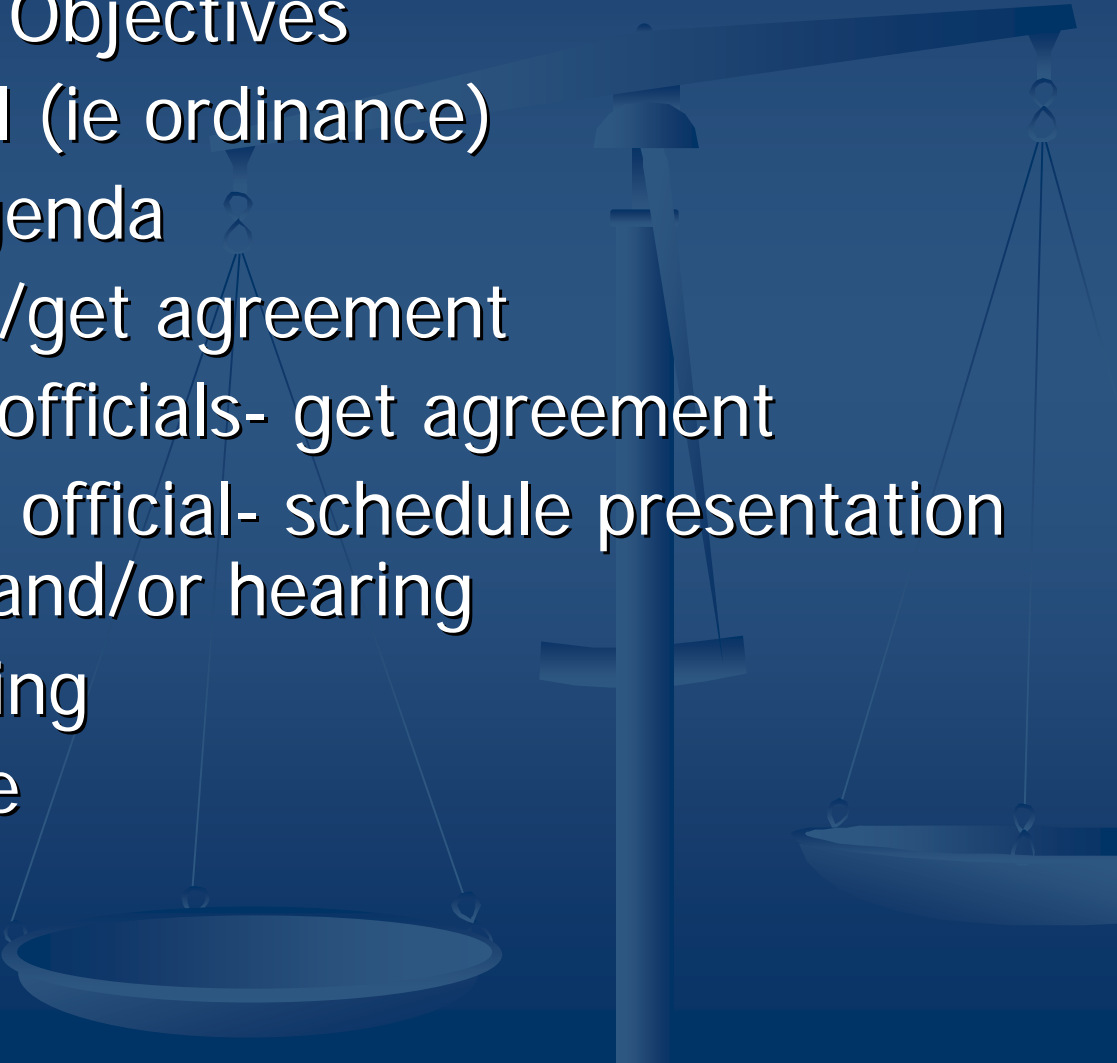


# Site team should determine

- Goals and Objectives
- Type of IC is most appropriate
- Choose the best local strategy to implement IC



# Steps get a governmental IC in place

- Identify goals and Objectives
  - Prepare a proposal (ie ordinance)
  - Get on meeting agenda
  - Brief town officials/get agreement
  - Brief local elected officials- get agreement
  - Working with local official- schedule presentation at public meeting and/or hearing
  - Participate in hearing
  - Approve Ordinance
- 

# Stamina Mills Superfund site Case Study



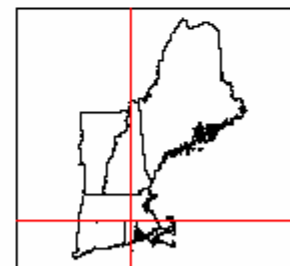


## Forestdale

North Smithfield,  
Rhode Island

Legend:

- ★ Site Location
- Town Boundary



*Albers Equal Area Projection*



Created by EPA New England GIS Center  
June 7, 2007

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# Approximate Boundary of Proposed Well Ordinance Area N. Smithfield, RI



0 87.5 175 262 349 437



Map Created by the EPA Region 1's GIS Center.  
Date: 3-10-2008  
File: L:\projects\starns\_mills\map\_around

**EPA**  
United States  
Environmental Protection  
Agency

58 - THINK VALDE ENG'NEERING - 52

Project:	Stamba Mills
Client:	U.S. Army Engineer District, Louisville, Kentucky
Contract:	U.S. Army Engineer District, Louisville, Kentucky
Contract:	U.S. Army Engineer District, Louisville, Kentucky
Contract:	U.S. Army Engineer District, Louisville, Kentucky

U.S. Army Engineer District  
LOUISVILLE, KENTUCKY

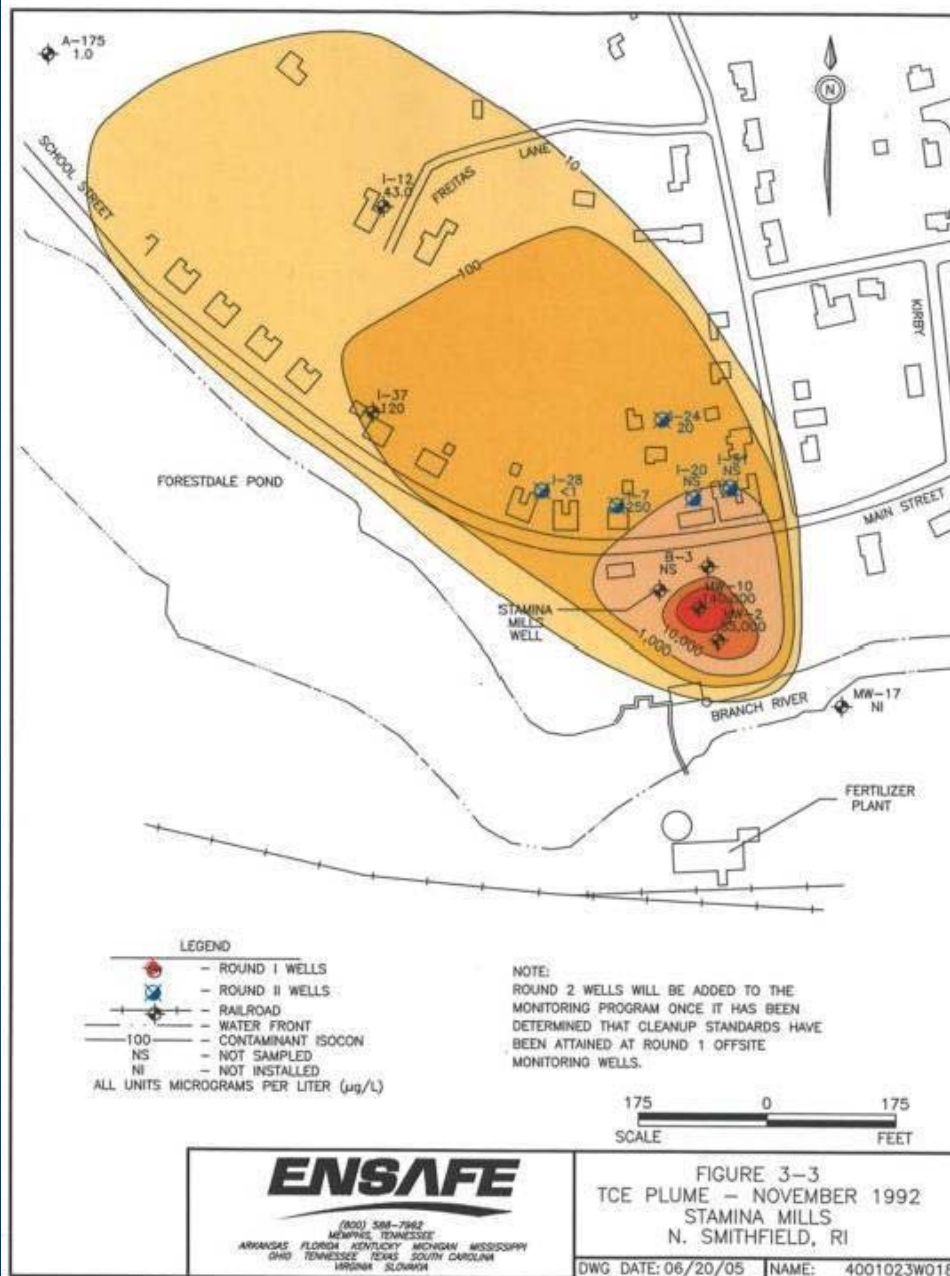
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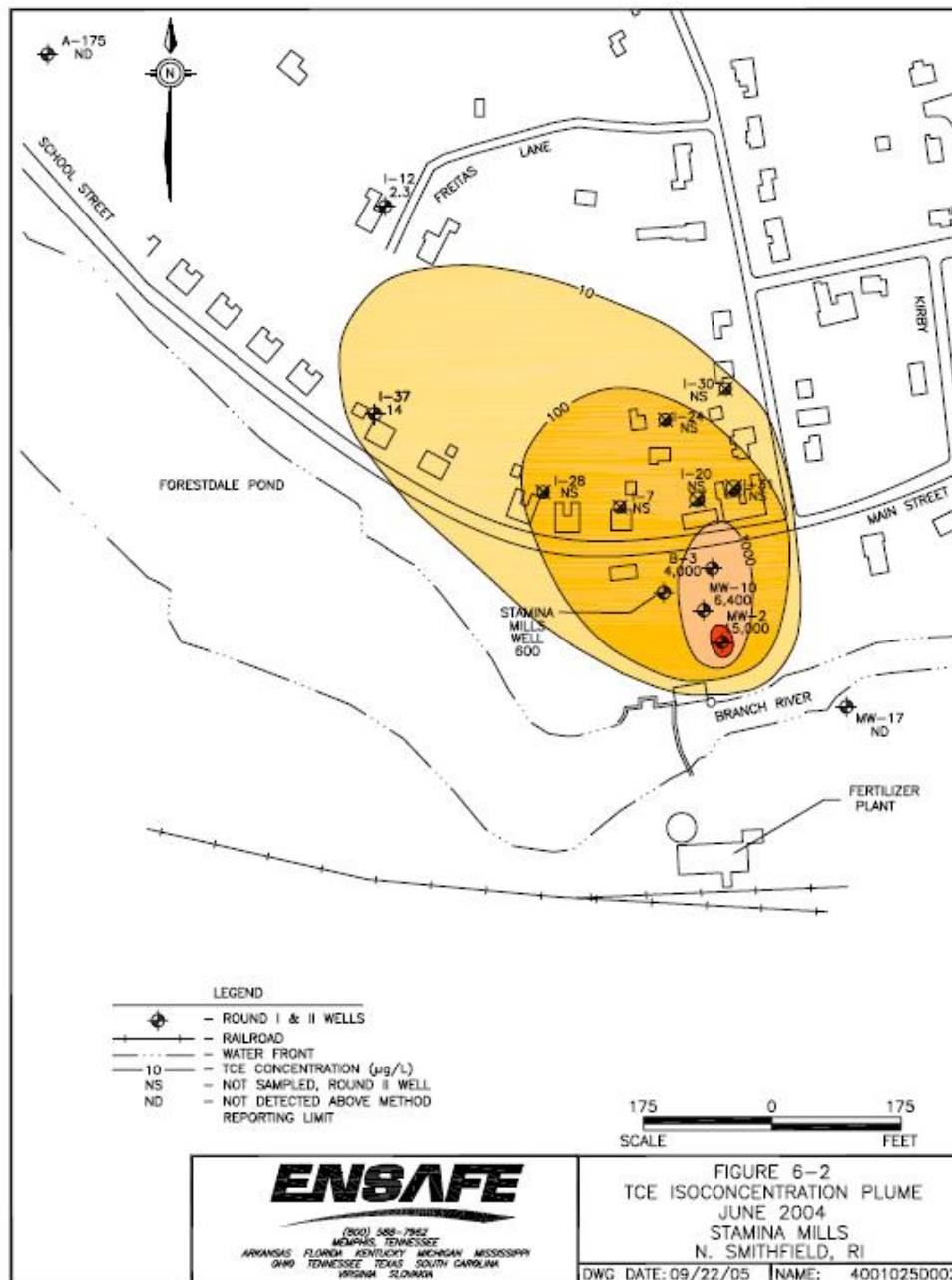
STAMBA MILLS  
REMEDIAL INVESTIGATION

Scale: 1" = 100'

DATE: 12-1-91

SITE PLAN NO. 4





# DRAFT Ordinance

11/21/2005 11:02 FAX 401 232 3812 RT DEF 000 2002

**Ordinance 2002-28**  
(as amended)

**ADOPTED** *2/16/03*  
*As Amended*  
*Boya*

It is ordained by the Town Council of the Town of Johnston as follows:

The Code of the Town of Johnston, 1970, is hereby amended to add the following Chapter entitled "Building Permit Required for the Construction of a Groundwater Well" to the Code of Johnston as follows:

plus piping & electrical

**Section 1.** No person shall install a groundwater well prior to obtaining a permit from the Building Inspector.

**Section 2.** No permit shall be issued by the Building Inspector for the construction of a groundwater well in any location where access to the Town public water supply system is available, if the Building Inspector determines:

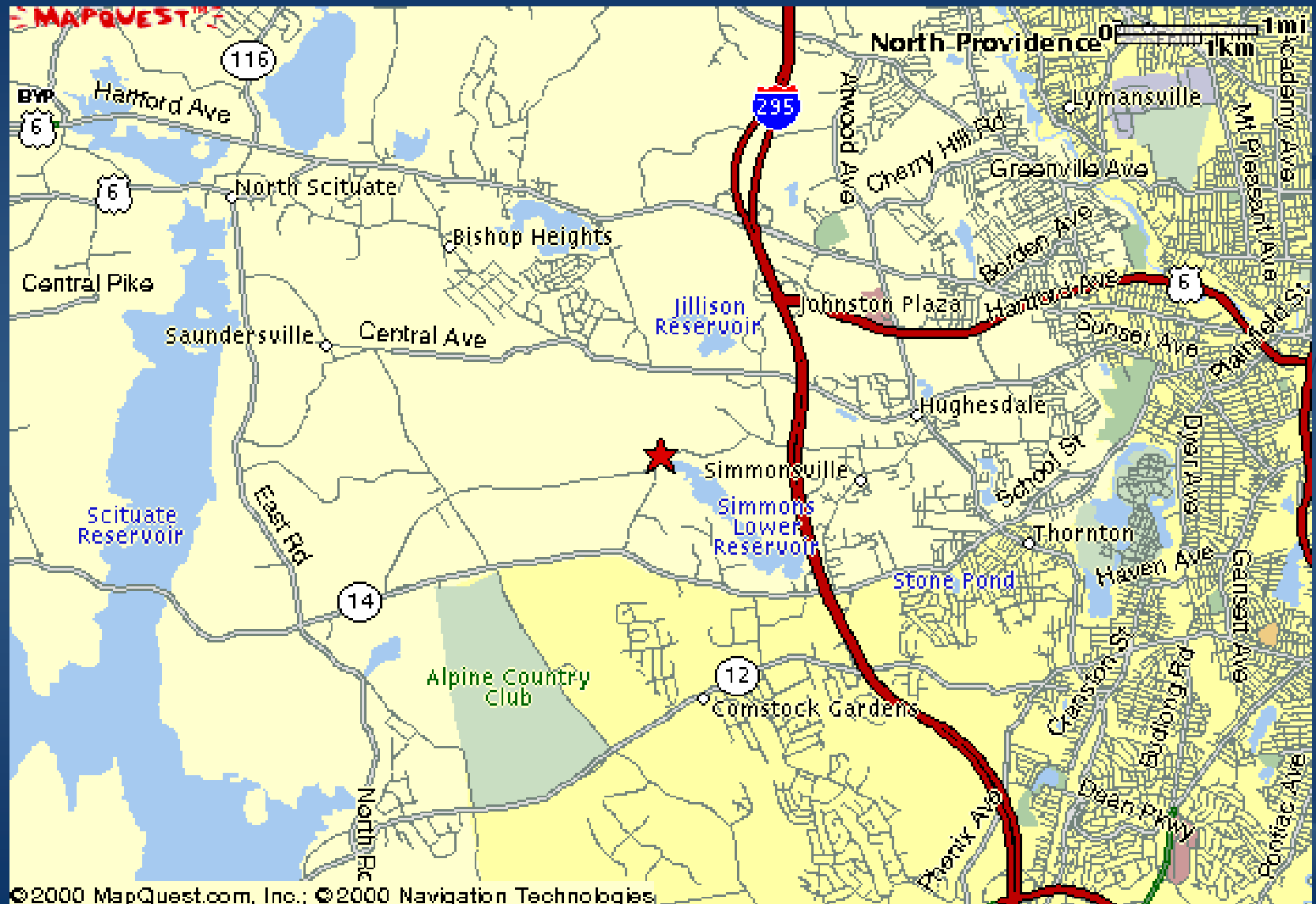
- (a) that the groundwater where the groundwater well is proposed to be located has been classified by the Rhode Island Department of Environmental Management as GAA non-attainment, GA non-attainment, GB, GB non-attainment, or GC, or see **Exhibit C - Groundwater Classification Map** attached hereto;
- (b) that the groundwater where the groundwater well is proposed to be located has been designated, classified, or approved by the Rhode Island Department of Environmental Management as a groundwater residual zone designated on any site plan or map prepared by the Rhode Island Department of Environmental Management; or
- (c) that the groundwater where the groundwater well is proposed to be located has been designated, classified, or approved by the Federal Environmental Protection Agency pursuant to any federal environmental law, including but not limited to CERCLA, or regulation as a groundwater buffer zone designated on any site plan or map prepared or approved by the Federal Environmental Protection Agency; or
- (d) that the lot where the groundwater well is proposed to be located is within the area identified as "Properties On Which Institutional Controls On Groundwater Use Are Recommended" on the Plan entitled "Central Landfill Operable Unit 2, Johnston, Rhode Island, Groundwater Protection Zone, Date: Jan., 2000" prepared by GZA GeoEnvironmental, Inc. and filed with the Building Inspector by the Rhode Island Resource Recovery Corporation. See **Exhibit A** which is attached hereto and incorporated herein. A list of such lots is attached hereto as **Exhibit B** and incorporated herein.

**Section 3(a)** No person shall use a groundwater well in any location where access to the Town public water supply system is available where such groundwater well:

# Central Landfill Case study

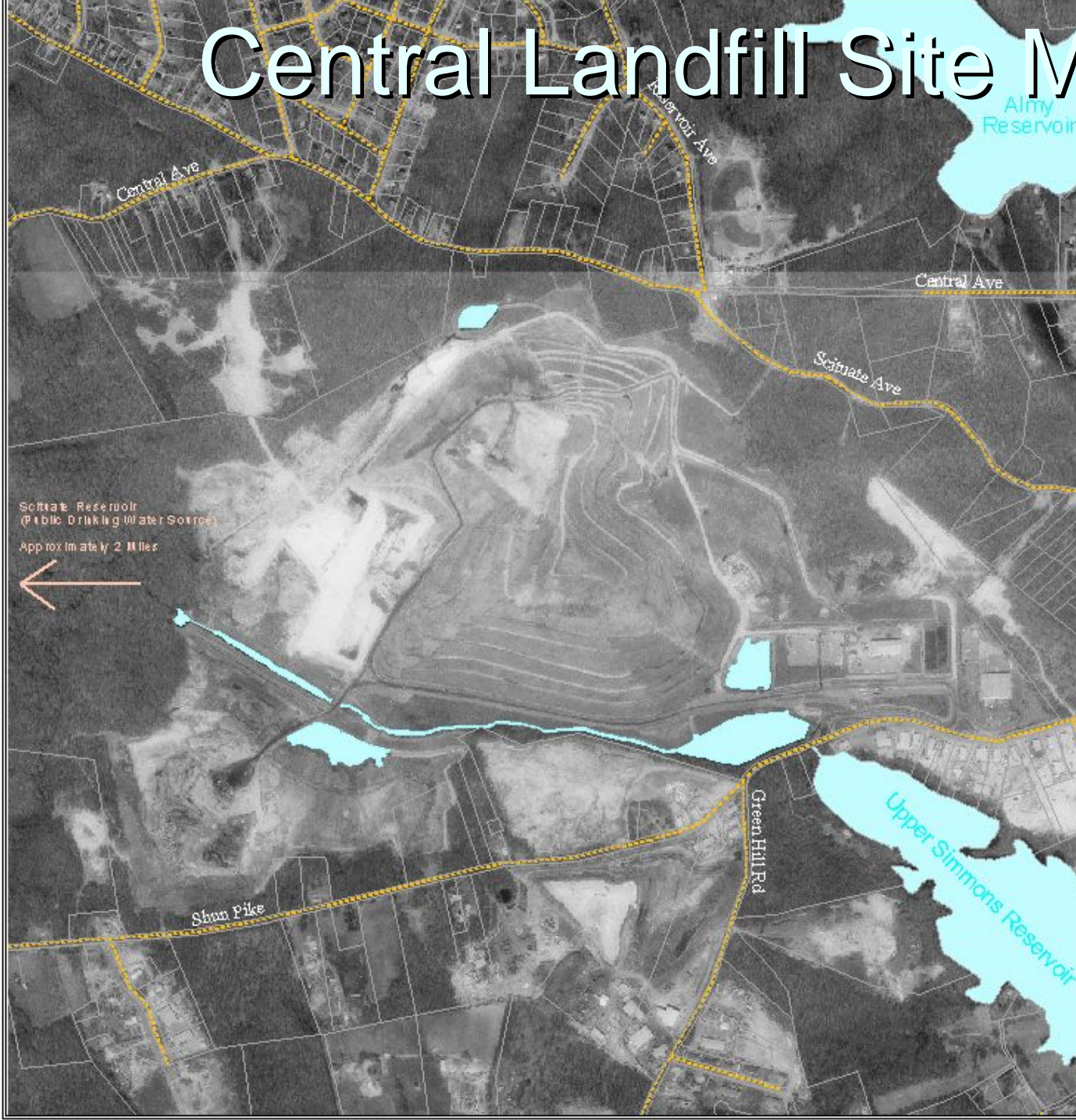


# Central Landfill Location Map



# Central Landfill Site Map

Central Landfill  
Groundwater Flow  
Johnston, RI



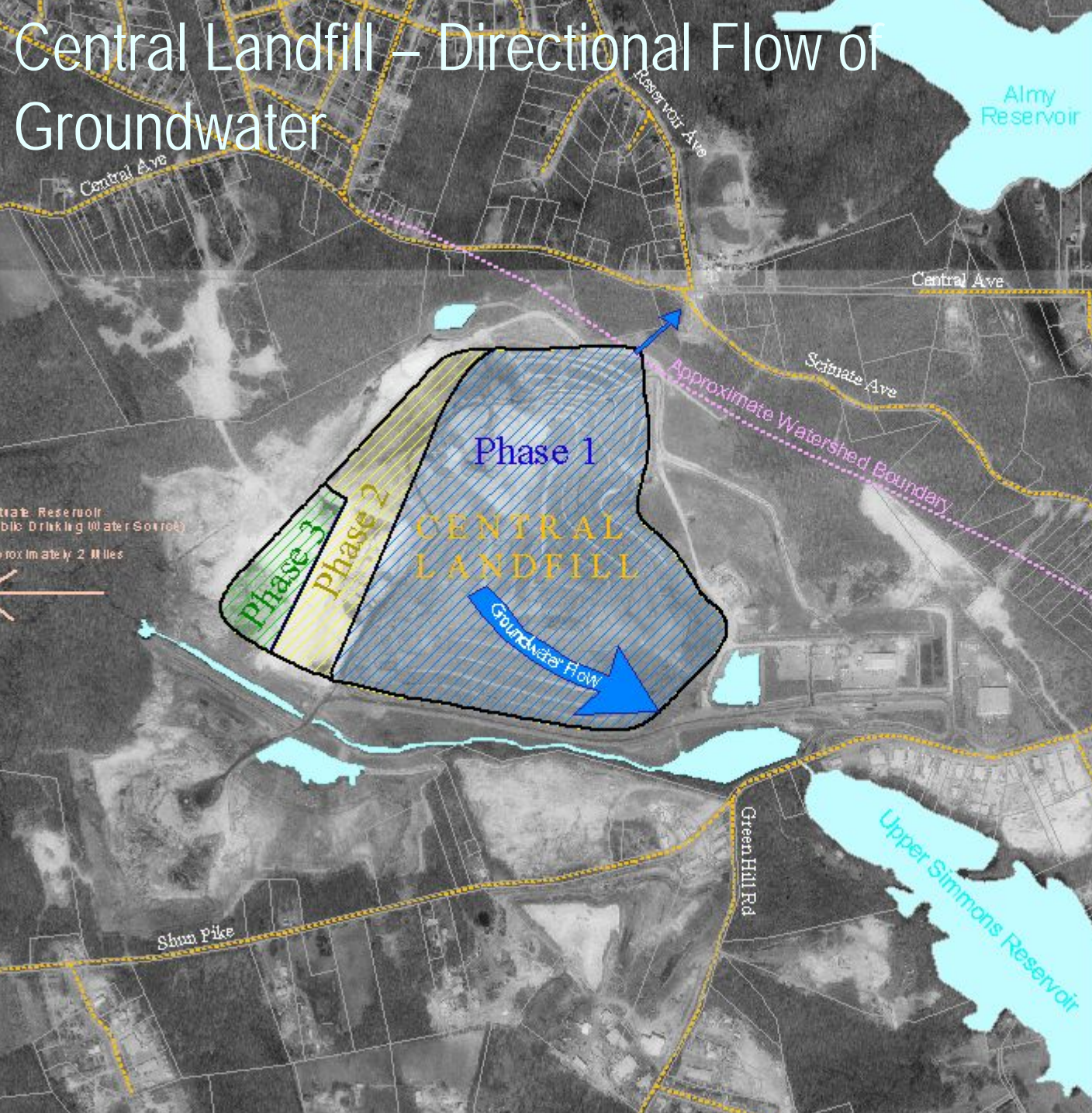
- Surface Water
- Rivers
- Parcel Boundary
- Public Water Supply Line



0.1 0 0.1 0.2 0.3 Miles



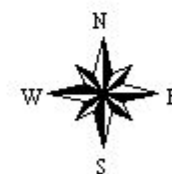
Data Sources: Landfill phases, parcel boundaries, watershed boundary from GZA GeoEnvironmental, Inc.  
Map Created: January 10, 2001;  
l:/projects/sites/centrallandfill/groundwater apr



## Central Landfill Groundwater Flow Johnston, RI

### Central Landfill Phases

- Phase 1: Superfund Area
- Phase 2: Solid Waste Expansion Area
- Phase 3: Solid Waste Expansion Area
- Groundwater Flow Direction
- Surface Water
- Rivers
- Parcel Boundary
- Public Water Supply Line
- Approximate Watershed Boundary



0.1 0 0.1 0.2 0.3 Miles



Data Sources: Landfill phases, parcel boundaries, watershed boundary from GZA GeoEnvironmental, Map Created: January 10, 2001.

# Analysis of Watershed Impacts

- The two watersheds studied during the Superfund Investigations for Central Landfill are Cedar Swamp Brook Watershed and Almy Reservoir Watershed both of which are located within the larger Pawtuxet River watershed. The investigations revealed that most of the Central Landfill (146 of 150 acres) lies in the Cedar Swamp Brook Watershed.

# Analysis of Watershed Impacts

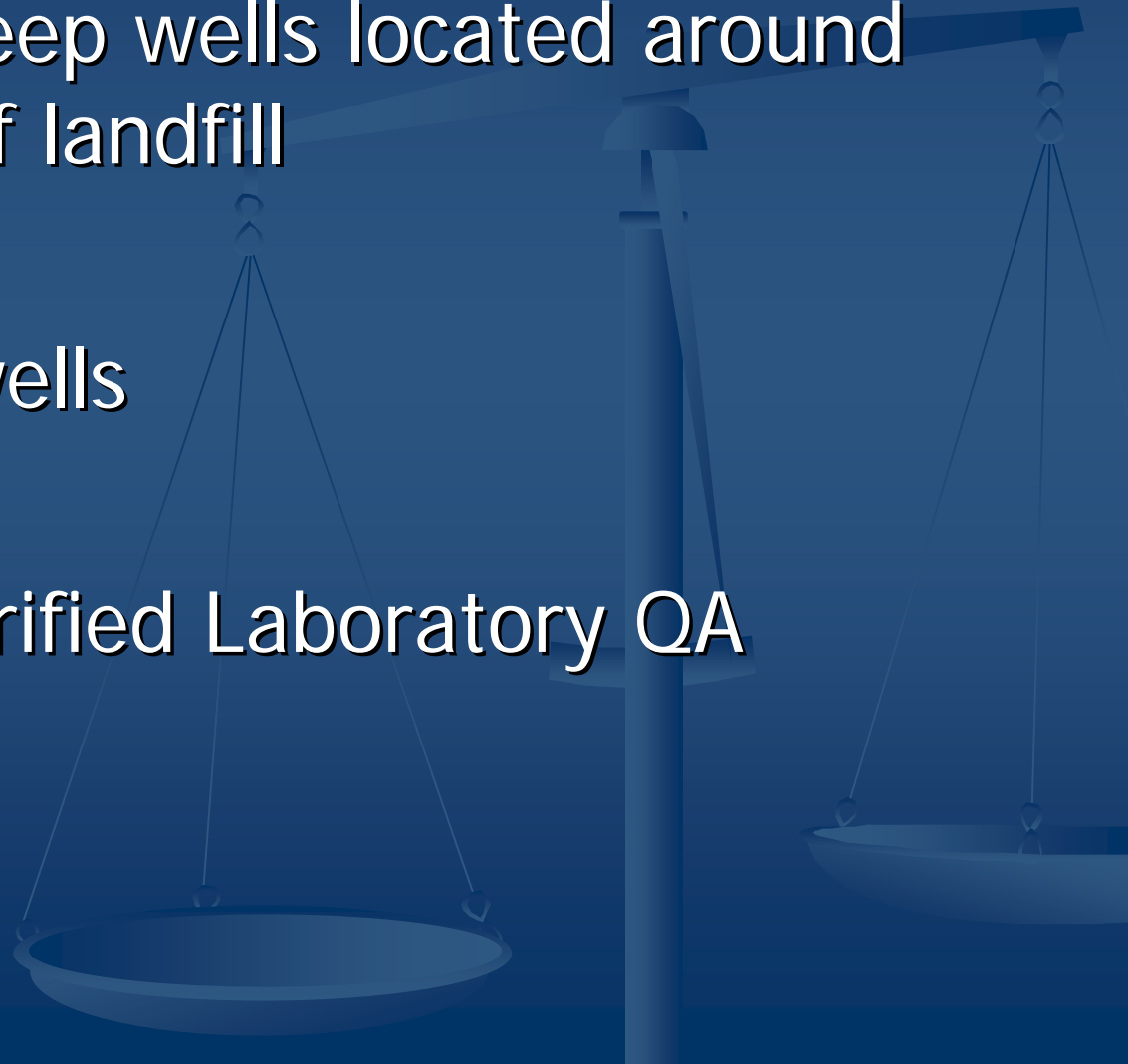
- Scituate Reservoir is located west of the Central Landfill Superfund site. Groundwater flow from the Central Landfill Superfund site does not flow toward the Scituate Reservoir or enter the Scituate Reservoir watershed.
- The EPA and Rhode Island Department of Environmental Management concur that, based on the studies done on the groundwater, Scituate Reservoir is not being impacted by groundwater beneath the Central Landfill Superfund Site.

# Data Collection

54 shallow and deep wells located around the perimeter of landfill

8 surface water wells

Independently verified Laboratory QA Program



# Institutional Controls

- EPA worked with local community to get a local groundwater ordinance passed.
- The ordinance restricted drilling of private wells in an area near the landfill
- The ordinance is locally enforceable

# Wrap-up- Tips, Tools and Techniques

- Attend/observe a local public meeting or hearing to see how it works
- Recognize that local boards are bound by open meeting law- there is a public meeting process
- Meet with RPM to define goals and strategize ways to meet goals
- Have a key point of contact
- ID key officials to bring to the table– city/town web sites good resource
- Work with local officials/ tap into local process